

EXHIBIT 2

THIRD JUDICIAL
CIRCUIT COURT
12 JUN -6 AM 11:16

STATE OF MICHIGAN
OFFICE OF
COURT REPORTING
CIVIL DIVISION

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

JEROME MOORE,

Plaintiff,

-vs-

Case No. 10 006 409 CD

SOUTHEASTERN MICHIGAN HEALTH

ASSOCIATION,

Defendant.

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MOTION HEARING

Friday, May 11, 2012, Detroit, Michigan

BEFORE THE HONORABLE AMY P. HATHAWAY, CIRCUIT JUDGE

APPEARANCES:

For the Plaintiff: EDWARDS & JENNINGS, P.C.
Alice B. Jennings (P29064)
65 Cadillac Square, Rm. 2710
Detroit, MI 48226
(313) 961-5000

For the Defendant,

SEMHA: NEMETH BURWELL, P.C.
Terry Bonnette (P67692)
200 Talon Centre, Ste. 200
Detroit, MI 48226
(313) 567-5921

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2 APPEARANCES: (cont'd)

3 Appearing for the City of

4 Detroit: CITY OF DETROIT LAW

5 DEPARTMENT

6 Andrew Jarvis (P59191)

7 660 Woodward Ave. #1650

8 Detroit, MI 48226

9 (313) 237-5038

10 TABLE OF CONTENTS

11

12 WITNESSES:

13

14

15 (none)

16 EXHIBITS:

17

18 (none)

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1 was reinstated in September is of 2008. And
2 then terminated again in February, of 2009.

3 He worked there for 13 months. He was
4 hired obviously as a black man, at a certain
5 age, which we won't go into, Mr. Moore, and 13
6 months later, he says he was fired because of
7 his race and his age. That's the first problem
8 we have to get over. Let's deal with the city
9 of Detroit.

10 First of all, the Court is satisfied that
11 there are questions of fact whether the
12 defendant city is an agent to apply under ELCRA
13 or whether it controlled a term, condition or
14 privilege of a nonemployee. That's the
15 McClemmons (phonetic) case that Miss Jennings
16 cited. And given the city's employment,
17 management and working relationship with
18 defendant SEMHA, especially in this case,
19 because of the two employees, I believe they
20 were King and Gregory; is that correct?

21 MS. JENNINGS: That's correct.

22 THE COURT: The Court is satisfied there
23 are questions of fact as to what control they
24 had over defendant employees relationship. So
25 for purposes of all these decisions that I have

1 to make, I'm going to address all counts to
2 both defendants.

3 I've already made a preliminary statement
4 regarding race and sex.

5 With respect to age discrimination, the
6 Court is satisfied that the comments that were
7 made were insufficient to get a claim for age
8 discrimination. There is no evidence that
9 satisfies this Court that the plaintiff was
10 treated differently. The comments do not go
11 directly to discriminate his age, but simply
12 that they were stray remarks as the defendant
13 calls them and the Court is satisfied that he
14 was not treated differently for the same or
15 similar conduct.

16 The defendant shows that the plaintiff was
17 terminated for not providing a quality product,
18 or not having the ability or understanding
19 necessary for the job. That's the memo from
20 King, which is March, 2009. But there's
21 nothing to establish that the alleged similarly
22 situated employees, which is required, were
23 performing their work unsatisfactory, or were
24 kept on anyway. The only real instance
25 plaintiff points to is McClainor, but she

EXHIBIT 3

MICHIGAN COURT OF APPEALS

Schedule of Arguments - MCR 7.213(D)

Wednesday, November 13, 2013 at 11:00 AM

Detroit Courtroom, 3020 West Grand Boulevard, 14th Floor, Detroit
Karen M Fort Hood, PJ, and Henry William Saad and Stephen L Borrello, JJ

JEROME D GOLDBERG
2921 E JEFFERSON AVE
STE 205
DETROIT, MI 48207

Case Call Item 10

Mailed: October 4, 2013

COA.299

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- | | | |
|----|-----------|--|
| 9 | 307320-T* | MID MICHIGAN DIAGNOSTIC CORP V MICHIGAN INTERNAL MEDICINE
PC
<i>Attorneys</i>
PL-CD-AT DENNIS K EGAN Oral Argument Preserved
DF-CP-AE DONALD H ROBERTSON Oral Argument Preserved |
| 9 | 307863-T* | MID-MICHIGAN DIAGNOSTIC CORP V MICHIGAN INTERNAL MEDICINE
PC
<i>Attorneys</i>
PL-CD-AE JOVAN DRAGOVIC Oral Argument Preserved
PL-CD-AE DENNIS K EGAN Oral Argument Preserved
DF-CP-AT DONALD H ROBERTSON Oral Argument Preserved |
| 10 | 310920-D | JEROME MOORE V SOUTHEASTERN MICHIGAN HEALTH ASSOCIATION
<i>Attorneys</i>
PL-AT ALICE B JENNINGS Oral Argument Preserved
PL-AT JEROME D GOLDBERG Oral Argument Preserved
DF-AE DEBORAH L BROUWER Oral Argument Preserved
DF-AE JASON MCFARLANE Oral Argument Preserved |
| 11 | 311357-T | STEPHEN J DUNN V TIMOTHY M BENNETT
<i>Attorneys</i>
PL-AE-XT STEPHEN J DUNN
DF-AT-XE KEVIN L BENNETT Oral Argument Preserved |
| 12 | 315867-T# | IN RE L VANNESTE MINOR
<i>Attorneys</i>
AE SAMANTHA A LORD
PT-AE TIMOTHY K MORRIS
RS-AT BRANDON MCNAMEE Oral Argument Preserved |

NOTE: The tables in the courtrooms are reserved for counsel or parties *in propria persona* who are endorsed to present oral argument. The tables are not to be occupied by parties or amici curiae who are not endorsed.

EXHIBIT 3

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Chapter 9

Case No. 13-53846

City of Detroit, Michigan,

Debtor.

PROPOSED ORDER GRANTING MOTION FOR RELIEF FROM AUTOMATIC STAY

This Motion having come before this Court on Motion of Jerome Moore, and the Court being otherwise advised on the premises:

IT IS ORDERED:

1. Jerome Moore's Motion for limited Relief from the Automatic Stay is granted.
2. The Automatic Stay is lifted for the limited purpose of allowing the City of Detroit to participate in Oral Argument in Mr. Moore's appeal, Michigan Court of Appeals No. 310-920 scheduled to be heard on November 13, 2013 and to allow for the Court of Appeals to render its decision on the Appeal.
3. If the Appeal is granted and the case is remanded for further proceedings to Wayne County Circuit Court, any further adjudication relative to the City of Detroit shall be subject to the automatic stay and to the jurisdiction of the bankruptcy court.